

ESTTA Tracking number: **ESTTA739737**

Filing date: **04/13/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ford Motor Company
Granted to Date of previous extension	04/13/2016
Address	One American Road Dearborn, MI 48126 UNITED STATES
Attorney information	ANNA K HEINL BROOKS KUSHMAN PC 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES aheinl@brookskushman.com, ejanda@brookskushman.com, smgibbons@brookskushman.com, bktm@brookskushman.com Phone:2483584400

Applicant Information

Application No	86705303	Publication date	12/15/2015
Opposition Filing Date	04/13/2016	Opposition Period Ends	04/13/2016
Applicant	SI, YUAN No. 10, Group 1 Lichuan City, Hubei, CHINA		

Goods/Services Affected by Opposition

Class 028. First Use: 2015/05/10 First Use In Commerce: 2015/05/10
All goods and services in the class are opposed, namely: Balls for games; Body-building apparatus; Fishing tackle; Kidney belts for sports; Plush toys; Radio transmitters for use with radio-controlled toys; Scale model vehicles; Toy building blocks; Toy mobiles; Toy tools

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2314962	Application Date	02/19/1998
Registration Date	02/01/2000	Foreign Priority Date	NONE
Word Mark	FOCUS		

Design Mark	FOCUS
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 motor vehicles, namely, automobiles, [trucks, vans, sport-utility vehicles,] and their structural parts [and engines]

U.S. Registration No.	2455794	Application Date	06/19/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	FOCUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1999/04/01 First Use In Commerce: 1999/04/01 toys, namely, miniature models of vehicles, toy vehicles, hobby kits for the construction of toy vehicles, radio controlled toy vehicles, collectable toy cars [and Christmas tree ornaments]		

U.S. Registration No.	3636749	Application Date	09/21/2004
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	FORD FOCUS		
Design Mark	FORD FOCUS		
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2008/06/30 First Use In Commerce: 2008/06/30 Metal key chains and rings Class 028. First use: First Use: 1999/04/01 First Use In Commerce: 1999/04/01 Toy replica of automobiles, remote controlled toy model vehicles		

Attachments	75436749#TMSN.png(bytes) 78486902#TMSN.png(bytes) Notice of Opposition FOCUSUN.pdf(232395 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/anna k heinl/
Name	ANNA K HEINL
Date	04/13/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application Serial No. 86/705,303

Filed: July 27, 2015

Trademark: FOCUSUN

Published for Opposition on December 15, 2015

FORD MOTOR COMPANY)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
YUAN SI)	
)	
Applicant.)	

NOTICE OF OPPOSITION

VIA ELECTRONIC FILING
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

FORD MOTOR COMPANY ("FORD"), a Delaware corporation with a place of business at One American Road, Dearborn, Michigan 48121, believes that it is and will continue to be damaged by the Applicant's registration of the mark "FOCUSUN" for goods in Class 28 as set forth in Application Serial No. 86/705,303, and hereby opposes the referenced application.

As grounds for opposition, the Opposer alleges as follows:

1. The Applicant, Yuan Si, is seeking to register the mark "FOCUSUN" in Application No. 86/705,303 as a trademark for "Balls for games; Body-building apparatus; Fishing tackle; Kidney belts for sports; Plush toys; Radio transmitters for use with radio-controlled toys; Scale model vehicles; Toy building blocks; Toy mobiles; Toy tools" in Class 28. This is evidenced by the publication of the mark in the Official Gazette of December 15, 2015. This application was filed on July 27, 2015.

2. The Opposer FORD designs, develops, manufactures, services, repairs, and sells motor vehicles and parts therefor and related products and services, including scale model vehicles and toy replicas of its vehicles.

3. The Opposer owns rights in the mark "FOCUS" in connection with automobiles since the priority date of February 19, 1998, and toy vehicles since June 19, 1998, and has used the mark extensively in connection with its goods and services.

4. Opposer is the owner of U.S. Trademark Registration No. 2,314,962 for the mark "FOCUS" for use in connection with motor vehicles, namely, automobiles and their structural parts in Class 12. This registration application was filed on February 19, 1998, and issued on February 1, 2000. This incontestable registration is valid and subsisting, uncanceled and unrevoked.

5. Opposer is the owner of U.S. Trademark Registration No. 2,455,794 for the mark "FOCUS" for use in connection with toys, namely, miniature models of vehicles, toy vehicles, hobby kits for the construction of toy vehicles, radio controlled toy vehicles, collectable toy cars in Class 28. This registration application was filed on June 19, 1998, and issued on May 29, 2001. This incontestable registration is valid and subsisting, uncanceled and unrevoked.

6. Opposer is the owner of U.S. Trademark Registration No. 3,636,749 for the mark "FORD FOCUS" for use in connection with toy replica of automobiles, remote controlled toy model vehicles in Class 28. This registration application was filed on September 21, 2004, and issued on June 9, 2009. This incontestible registration is valid and subsisting, uncanceled and unrevoked.

7. The Opposer has expended considerable effort and expense in promoting its "FOCUS" mark and the goods associated with this mark, including scale model vehicles that are replicas of its "FOCUS" vehicle, with the result that the purchasing public has come to know and recognize the products of the Opposer by this mark. The Opposer has an exceedingly valuable good will established in its "FOCUS" mark.

8. There is no issue as to priority. The Opposer used the mark "FOCUS" in connection with its goods, long prior to the use dates claimed in Application Serial No. 86/705,303.

7. The mark for which the Applicant seeks registration, namely "FOCUSUN" contains Opposer's mark in its entirety and is substantially similar to Opposer's mark. Both parties' marks are designated for use on goods related to toy vehicles, remote controlled toys and model vehicles.

8. Since the mark and goods as described in the application are closely related to the Opposer's mark and goods/services, confusion and deception as to the origin of the Applicant's goods bearing the mark would occur, all to the damage and detriment of the Opposer. Such use would cause confusion in the trade resulting in damage and injury to the Opposer.

9. The Applicant's use or registration of the mark "FOCUSUN" in connection with its designated goods is likely to cause confusion, or to cause mistake, or to

deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's services by the Opposer.

10. If the Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the "FOCUSUN" mark in connection with all the designated goods. Such registration would be a source of injury and damage to the Opposer.

WHEREFORE, the Opposer, FORD MOTOR COMPANY, prays that Application Serial No. 86/705,303 for the mark "FOCUSUN" be rejected, denied and refused.

The filing fee of \$300 and any additional fees as may be required under 37 C.F.R. 2.6(a)(17), are to be charged to Ford Motor Company Account No. 06-1510.

Respectfully submitted,

By /annaheintl/
Anna K. Heintl
Elizabeth F. Janda
Attorneys/Agents for Applicant

Date: April 13, 2016

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Our File: FMCTA 30820 OC

CERTIFICATE OF SERVICE

I certify that I served:

NOTICE OF OPPOSITION

on April 13, 2016 by:

_____ delivering
 X mailing (via Courier)

a copy to:

Ren Cao
Shenzhen Trynow Intellectual Property Co., Ltd.
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Applicant

_____/krissanneschmidt/_____
Krisanne Schmidt